

2009 DRAFTING REQUEST

Senate Amendment (SA-SSA1-AB75)

Received: **06/15/2009**

Received By: **mkunkel**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Loppnow**

This file may be shown to any legislator: **NO**

Drafter: **mkunkel**

May Contact:

Addl. Drafters: **pgrant**

Subject: **Higher Education - UW System
Education - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to: **emily.pope@legis.wisconsin.gov
layla.merrifield@legis.wisconsin.gov**

Pre Topic:

LFB:.....Loppnow -

Topic:

DPI environmental education consultant and UW environmental scholarships

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mkunkel 06/15/2009	jdyer 06/15/2009		_____			
/1			rschluet 06/15/2009	_____	mbarman 06/15/2009		

FE Sent For:

<END>

2009 DRAFTING REQUEST

Senate Amendment (SA-SSA1-AB75)

Received: **06/15/2009**

Received By: **mkunkel**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Loppnow**

This file may be shown to any legislator: **NO**

Drafter: **mkunkel**

May Contact:

Addl. Drafters: **pgrant**

Subject: **Higher Education - UW System
Education - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to: **emily.pope@legis.wisconsin.gov
layla.merrifield@legis.wisconsin.gov**

Pre Topic:

LFB:.....Loppnow -

Topic:

DPI environmental education consultant and UW environmental scholarships

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mkunkel	1 6/15 jk	JK	_____			

FE Sent For:

<END>

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

LAYLA 6/15/09
1.0 pos to dpi for enrl ed. consultant

new approp.
from normal school fund
GPR - earned from ↑

see LW approp.

09-10	10-11
74,800	97,600

20-255(21/5) All money rec'd as the C.S.F. income
to be distrib as prov. is 24.78 & 43.90

do SECT Approp's DPI

LW 100K 100K

enrl ed. consultant
inc. int.
enrl ed. consultant

Kunkel, Mark

From: Pope, Emily
Sent: Monday, June 15, 2009 5:05 PM
To: Kunkel, Mark
Subject: New scholarship program drafts

Mark:

Here's how I've written up the summary: *incurred interest/earning 24.80*

Transfer \$200,000 annually from the Normal School Fund to a new appropriation under the UW System for environmental programs financial aid and scholarships. Of the amount transferred, specify that \$100,000 annually would be used to provide need-based grants to students who are members of underrepresented groups and who are enrolled in a program leading to a certificate or a bachelor's degree from the Nelson Institute for Environmental Studies at UW-Madison. In addition, specify that \$100,000 annually would be used to provide scholarships to students enrolled in the sustainable management degree program through UW-Extension.

Let me know if you have any questions.

Emily

Emily Eleanor Pope, Fiscal Analyst
Wisconsin Legislative Fiscal Bureau
One East Main St., Suite 301

Telephone: (608) 266-3847
Fax: (608) 267-6873
Email: Emily.Pope@legis.state.wi.us

(R) section

2009

Date (time)
needed

LRB b 427, 1

BUDGET AMENDMENT

PG & MDK: jld:

RM
NOT
RUN

See form AMENDMENTS — COMPONENTS & ITEMS.

A (S) AMENDMENT to SSA
TO 2009 AB 75

Substitute amendment

At the locations indicated, amend the bill as follows:

#. Page 95, line 1... after that line insert:

↑ (9) Environmental education SEG A 74,800 97,600 ↑↑

#. Page 103, line 24 after that line insert:

↑ (rm) Environmental program grants SEG A 200,000 200,000 ↑
↑ (rm) = (NO #) and scholarships

#. Page 276, line 7... after that line insert:

(CS) letter 20.255(1)(9) X
SECTION 240 b. CR. 20.255(1)(9) (I)

#. Page ..., line ... income and interest in the normal school fund, the amounts in the schedule for an environmental education consultant in the department. ↑↑↑

#. Page ..., line ...

INSERT
MDK 1

→ # Page 392, line 15: after that line insert:
665 ← (B)

↑ Section #. 24.80 of the statutes is amended to read:

24.80 Normal school fund. The lands and moneys described in s. 24.79, not being granted for any other specified purpose, accrue to the school fund under article X, section 2, of the constitution; and having been found unnecessary for the support and maintenance of common schools, are appropriated to the support and maintenance of state universities and suitable libraries and apparatus therefor, and to that end are set apart and denominated the "Normal School Fund". All lands, moneys, loans, investments and securities set apart to the normal school fund and all swamp lands and income and interest received on account of the capital of that fund constitute a separate and perpetual fund.

~~All~~ income and interest from the normal school fund shall be paid into the general fund as general purpose revenue. Normal school fund income, interest and revenues do not include expenses deducted from gross receipts permitted under ss. 24.04 (2), 24.53 and 24.62 (1). ↑↑ ✓

History: 1979 c. 34; 1981 c. 169; 1981 c. 391 s. 210; Stats. 1981 s. 24.80; 1983 a. 192; 1989 a. 31.

Except as provided in ss. 20.255(1)(g) ² and
20.285(1)(rm) ✓, all
aka

→ INSERT MDK-2 ✓

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

Page ¹⁸²¹~~1822~~, line ²¹~~4~~ after that line insert:

nonstat " (2*) ENVIRONMENTAL EDUCATION (CS)

CONSULTANT. The authorized ^{FTE} positions for

the department of public instruction are
increased by 1.0 SEG position, to be
funded from the appropriation under
section 20.255(1)(⁹q) of the statutes, as
created by this act, for an environmental
education consultant.

↑ ↑ ↑

(end)

**2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb1427/lins
MDK:.....

INSERT MDK1:

1. Page 284, line 11: after that line insert:

"SECTION 261w. 20.285 (1) (rm) of the statutes is created to read:

20.285 (1) (rm) *Environmental program grants and scholarships.* From income and interest in the normal school fund, the amounts in the schedule for grants and scholarships under s. 36.49."

INSERT MDK2:

2. Page 417, line 16: after that line insert:

"SECTION 747rm. 36.49 of the statutes is created to read:

36.49 Environmental program grants and scholarships. From the appropriation under s. 20.285 (1) (rm), the board shall annually do the following:

(1) Make need-based grants totaling \$100,000 to students who are members of underrepresented groups and who are enrolled in a program leading to a certificate or a bachelor's degree from the Nelson Institute for Environmental Studies at the University of Wisconsin-Madison.

(2) Provide annual scholarships totaling \$100,000 to students enrolled in the sustainable management degree program through the University of Wisconsin-Extension."

Grant, Peter

From: Grant, Peter
Sent: Tuesday, June 16, 2009 11:52 AM
To: Loppnow, Dave
Cc: Kunkel, Mark
Subject: LRBb1427

Dave, neither Mark nor I wrote a drafter's note to accompany LRBb1427. I think that was an oversight, so I'm sending you this email to alert you to the possibility that if the budget bill is enacted with the b1427 provisions included, it may be subject to a challenge based on a violation of Art. X, sec. 2 of the Wisconsin Constitution. I'll put a copy of this email in the file.

Art. X, sec. 2 of the Wisconsin Constitution creates the school fund. It provides that interest from the fund must be used to support and maintain the common schools in each school district, and to purchase libraries. It also says, "The residue shall be appropriated to the support and maintenance of academies and normal schools, and suitable libraries and apparatus therefor." Section 24.80, stats., creates the normal school fund. It consists of moneys in the common school fund which have been found unnecessary for the support and maintenance of common schools, and provides that those moneys must be used for the support and maintenance of state universities and suitable libraries for them. This is the "residue" that Art. X, sec. 2 provides must be used for the support and maintenance of academies and normal schools. (Normal schools are educational institutions for training teachers.)

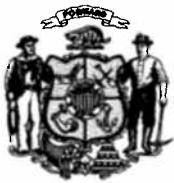
LRBb1427 uses some of the interest in the normal school fund for purposes other than those specified in the constitution or in s 24.80. In fact, it appears to constitute a "first draw" on the interest. In other words, the interest must first be used for the purposes specified in the bill; only the remaining interest, if any, is devoted to supporting and maintaining academies, universities, or normal schools.

The purposes for which the interest is used in b1427 are paying for an environmental education consultant at DPI and awarding scholarships to students attending the UW System. I think it's clear that paying the salary and fringe benefits of a DPI consultant does not support universities or teacher preparatory programs. The consultant's primary function is to advise school boards. The other purpose, it seems to me, is arguably within the scope of the constitutional requirement; at least it relates to postsecondary education. Awarding scholarships to UW students, however, does not directly support or maintain the UW System, and may well lead to litigation in its own right.

If you have questions or need more information, please let me know.

Peter

Peter Grant, Managing Attorney
Wisconsin Legislative Reference Bureau
608-267-3362
peter.grant@legis.wisconsin.gov



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBb1427/1
PG&MDK:jld:rs

LFB:.....Loppnow - DPI environmental education consultant and UW
environmental scholarships

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

SENATE AMENDMENT ,

TO SENATE SUBSTITUTE AMENDMENT 1,

TO 2009 ASSEMBLY BILL 75

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 95, line 1: after that line insert:

3 “(q) Environmental education SEG A 74,800 97,600”.

4 **2.** Page 103, line 24: after that line insert:

5 “(rm) Environmental program grants

6 and scholarships SEG A 200,000 200,000”.

7 **3.** Page 276, line 7: after that line insert:

8 “SECTION 240b. 20.255 (1) (q) of the statutes is created to read:

1 20.255 (1) (q) *Environmental education*. From income and interest in the
2 normal school fund, the amounts in the schedule for an environmental education
3 consultant in the department.”.

4 **4.** Page 284, line 11: after that line insert:

5 “**SECTION 261w.** 20.285 (1) (rm) of the statutes is created to read:

6 20.285 (1) (rm) *Environmental program grants and scholarships*. From income
7 and interest in the normal school fund, the amounts in the schedule for grants and
8 scholarships under s. 36.49.”.

9 **5.** Page 392, line 15: after that line insert:

10 “**SECTION 665s.** 24.80 of the statutes is amended to read:

11 **24.80 Normal school fund.** The lands and moneys described in s. 24.79, not
12 being granted for any other specified purpose, accrue to the school fund under article
13 X, section 2, of the constitution; and having been found unnecessary for the support
14 and maintenance of common schools, are appropriated to the support and
15 maintenance of state universities and suitable libraries and apparatus therefor, and
16 to that end are set apart and denominated the “Normal School Fund”. All lands,
17 moneys, loans, investments and securities set apart to the normal school fund and
18 all swamp lands and income and interest received on account of the capital of that
19 fund constitute a separate and perpetual fund. All Except as provided in ss. 20.255
20 (1) (q) and 20.285 (1) (rm), all income and interest from the normal school fund shall
21 be paid into the general fund as general purpose revenue. Normal school fund
22 income, interest and revenues do not include expenses deducted from gross receipts
23 permitted under ss. 24.04 (2), 24.53 and 24.62 (1).”.

24 **6.** Page 417, line 16: after that line insert:

“SECTION 747rm. 36.49 of the statutes is created to read:

36.49 Environmental program grants and scholarships. From the appropriation under s. 20.285 (1) (rm), the board shall annually do the following:

(1) Make need-based grants totaling \$100,000 to students who are members of underrepresented groups and who are enrolled in a program leading to a certificate or a bachelor's degree from the Nelson Institute for Environmental Studies at the University of Wisconsin-Madison.

(2) Provide annual scholarships totaling \$100,000 to students enrolled in the sustainable management degree program through the University of Wisconsin-Extension.”.

7. Page 1821, line 21: after that line insert:

“(2c) ENVIRONMENTAL EDUCATION CONSULTANT. The authorized FTE positions for the department of public instruction are increased by 1.0 SEG position, to be funded from the appropriation under section 20.255 (1) (q) of the statutes, as created by this act, for an environmental education consultant.”.

(END)